

## MINUTES

**CITY OF CEDAR PARK  
REGULAR SCHEDULED CITY COUNCIL MEETING  
CEDAR PARK CITY HALL - COUNCIL CHAMBERS  
450 CYPRESS CREEK ROAD, BUILDING FOUR  
THURSDAY, MAY 23, 2013 AT 6:30 P.M.**

Mayor Matt Powell  
Stephen Thomas, Council Place One  
Lyle Grimes, Council Place Three  
Lowell Moore, Council Place Four

Mitch Fuller, Mayor Pro Tem  
Jon Lux, Council Place Five  
Donald J. Tracy, Council Place Six  
Brenda Eivens, City Manager

- A.1 CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.

**Mayor Pro Tem Fuller called the meeting to order at 6:35 p.m.  
All Council present with Mayor Powell arriving at 7:03 p.m.**

- A.2 Invocation: Pastor Nathan Hoeft, Twin Lakes Fellowship.  
**A moment of silence was held in honor of the recent victims from the Moore, Oklahoma tornado.**

**The invocation was given by Pastor Nathan Hoeft with Twin Lakes Fellowship.**

- A.3 Pledges of Allegiance. (U.S. and Texas)  
**Council led the audience in the Pledges of Allegiance.**

- A.4 Ceremonial Swearing In Of Elected Officials From The Unopposed General Election Of May 11, 2013 By State Representative Dale:  
i. Council Place One - Stephen Thomas  
ii. Council Place Three - Lyle Grimes  
iii. Council Place Five - Jon Lux

**State Representative Tony Dale swore in Councilmember Thomas, Councilmember Grimes and Councilmember Lux to their respective places.**

- A.5 Recess For Installation Of Council On The Dais.

**Council recessed from 6:48 p.m. to 7:03 p.m.**

- A.6 Presentation: Proclamation For Heroes Night Out. (Fuller)  
**Agenda Item A.6 called after Agenda Item A.4**

**Mayor Pro Tem Fuller read and presented a Proclamation to Judy and Wes Pierce in recognition of the Heroes Night Out program.**

- A.7 **Presentation: Proclamation Recognizing National Missing Children's Day, May 25, 2013.**  
**Mayor Pro Tem Fuller read and presented a Proclamation to Angela Plunkett with the Texas Regional Office for Missing and Exploited Children in recognition of National Missing Children's Day.**
- A.8 **Presentation: Employee Recognition For Service With The City Of Cedar Park.**  
 a. **Gale Butler, Library - Ten Years Of Service.**

**Pauline Lam, Library Director, presented Gayle Butler with a plaque in recognition of ten years of service with the City of Cedar Park.**

*Mayor Powell arrived at 7:03 p.m. during the presentation and assumed responsibility of chairing the meeting.*

- A.9 **Citizens Communications (Not For Items Listed On This Agenda. Three Minutes Each. No Deliberations With Council. Council May Respond With Factual Information)**  
**None.**
- A.10 **Mayor and Council Opening Comments.**  
**Mayor Powell apologized for his late arrival and recognized a student from Naumann Elementary working on a community government project in attendance at the meeting. He commented on the Council's commitment to serve the City.**

**Councilmember Thomas commented on continuing to serve the City.**

**Mayor Pro Tem Fuller commented on the Chamber of Commerce Golf Tournament, the recent workforce summit, CAMPO meeting, and the ICSC trip. He also reflected on Memorial and the men and women serving.**

**Councilmember Grimes commented on serving his first full term and reflected on Memorial Day.**

**Councilmember Moore commented on the Chamber of Commerce Golf Tournament and the ICSC conference.**

**Councilmember Lux commented on the Chamber of Commerce Golf Tournament and the Forest Oaks HOA meeting he attended with the Mayor.**

**Councilmember Tracy commented on moderating a discussion on faith and morality in politics.**

**Mayor Powell commented on the tornado in Moore, Oklahoma.**



- A.11 City Manager Report: Shop Cedar Park Campaign - Jennie Huerta, Communications & Media Relations Manager.  
**Jennie Huerta, Communications & Media Relations Manager, addressed Council regarding the "Shop Cedar Park" campaign. The campaign will be launched in late summer and will encourage all consumers to shop locally. The purpose of the campaign is to educate consumers regarding the City's boundaries and also how shopping local benefits the Cedar Park community.**
- A.12 City Manager Report: Quarterly Investment Report For The Period Ending March 31, 2013 - Justin Gard, Patterson & Associates.  
**Justin Gard, Patterson and Associates presented the Quarterly Investment Report to the City Council.**
- A.13 City Manager Report: Review Of The FY 2012-2013 Quarterly Financial Report Through March, 2013 - Joseph Gonzales, Finance Director.  
**Joseph Gonzales, Finance Director, presented the Quarterly Financial Report to Council.**

#### **CONSENT AGENDA**

*Pursuant to Council Rule 2.3, the City Council Consent Agenda consists of all matters set forth on:  
 Agenda Items B, C, and D.*

***Motion to approve all items on the Consent Agenda consisting of Agenda Items B, C and D.***

**Movant: Mayor Pro Tem Fuller**

**Second: Councilmember Tracy**

**Vote: 7-0**

- B.1 Approval Of City Council Minutes From The Regular Scheduled Meeting Of April 25, 2013.  
**Approved under the Consent Agenda.**
- B.2 Receipt Of Minutes From The Cedar Park Community Development Corporation Meeting Of April 9, 2013.  
**Received under the Consent Agenda.**
- C.1 (Z-13-002) Second Reading And Approval Of An Ordinance To Rezone Approximately 39.23 Acres From Multifamily (MF), General Retail (GR), And Planned Development (PD) To Condominium Residential-Conditional Overlay (CD-CO) For Property Located West Of South Bell Boulevard, Near Little Elm Trail. The Conditional Overlay Includes The Following Conditions: 1) All Dwelling Units Shall Be Detached; And 2) The Tract Shall Be Limited To A Total Of 250 Dwelling Units. **The Planning And Zoning Commission Voted 6-0 To Approve This Request. (Associated With Amendment To Future Land Use Plan, Agenda Item D.1)**

**Approved under the Consent Agenda.**

**Ordinance Number Z34.13.05.23.C1**

- C.2 (Z-13-004) Second Reading And Approval Of An Ordinance To Rezone Approximately 5.64 Acres From General Retail (GR) To General Office (GO) For Property Located At 3620 East Whitestone Boulevard. **The Planning And Zoning Commission Voted 6-0 To Approve This Request.**

**Approved under the Consent Agenda.**

**Ordinance Number Z35.13.05.23.C2**

- C.3 (Z-13-005) Second Reading And Approval Of An Ordinance To Rezone Approximately 41.17 Acres From Townhome Residential (TH) To Condominium Residential (CD) And Assign Original Zoning Of Condominium Residential (CD) To Approximately 1.03 Acres For Property Located On The West Side Of Ronald Reagan Boulevard Just North Of East Whitestone Boulevard. **The Planning And Zoning Commission Voted 6-0 To Approve This Request. (Associated With Amendment To Future Land Use Plan, Agenda Item D.2)**

**Approved under the Consent Agenda.**

**Ordinance Number Z36.13.05.23.C3**

- C.4 Second Reading And Approval Of An Ordinance Allowing Implementation Of The February 11, 2013 Interim Rate Adjustment Filing Pursuant To The Texas Utilities Code Section 104.301 Of Texas Gas Service Company, A Division Of Oneok, Inc.

**Approved under the Consent Agenda.**

**Ordinance Number G37.13.05.23.C4**

- D.1 A Resolution Amending The Future Land Use Plan For Property Located Near Little Elm Trail, West Of South Bell Boulevard From Regional Office/Retail/Commercial, High Density Residential And Employment Center To Medium Density Residential. **The Planning And Zoning Commission Voted 6-0 To Approve This Amendment. (Associated With Zoning Case Z-13-002, Agenda Item C.1)**

**Approved under the Consent Agenda.**

**Resolution Number R108.13.05.23.D1**

- D.2 A Resolution Amending The Future Land Use Plan For Property Located On The West Side Of Ronald Reagan Boulevard Just North Of East Whitestone Boulevard From Regional Office/Retail/Commercial And Parks And Open Space To Medium Density Residential. **The Planning And Zoning Commission Voted 6-0 To Approve This Amendment. (Associated With Zoning Case Z-13-005, Agenda Item C.3)**

**Approved under the Consent Agenda.**

**Resolution Number R109.13.05.23.D2**

- D.3 A Resolution Authorizing A Special Permit To Hold A 5K Run At Brushy Creek Lake Park.

**Approved under the Consent Agenda.**

**Resolution Number R110.13.05.23.D3**

- D.4 A Resolution Authorizing A Special Permit To Hold A Duathlon Race At Brushy Creek Sports Park.

**Approved under the Consent Agenda.**

**Resolution Number R111.13.05.23.D4**

- D.5 A Resolution Authorizing A Special Permit To Hold A Fundraising Walk At Brushy Creek Lake Park.

**Approved under the Consent Agenda.**

**Resolution Number R112.05.23.D5**

- D.6 A Resolution Authorizing And Directing The City Manager To Apply For The EMS Local Projects Grant Program From The Texas Department Of State Health Services For Fiscal Year 2014.

**Approved under the Consent Agenda.**

**Resolution Number R113.13.05.23.D6**

- D.7 Authorization To Excuse The Absence Of Councilmember Grimes From The Regular Scheduled Meeting Of May 9, 2013.

**Approved under the Consent Agenda.**

**No Resolution Number assigned.**

#### **PUBLIC HEARINGS**

- E.1 First Reading And Public Hearing: No Items For Consideration.



**REGULAR AGENDA (NON-CONSENT)**

F.0 Discussion And Possible Action:

F.1 Consideration Of Single-Family Masonry Requirements And Fire Safety. (Grimes)  
 Rawls Howard, Development Services Director, addressed Council regarding the current single-family masonry requirements. The percentages are currently 50% for an interior standard lot and 75% for lots facing two or more streets. Development for single-family residential masonry is currently utilizing 75-100% masonry.

Councilmember Grimes commented on the reason he requested this agenda item. Due to the current spacing of homes, fire safety is of great importance. He inquired why there are two different standards for condominiums and single-family residential. He would like the ordinance to be amended to reflect the higher percentage of masonry.

Councilmember Thomas commented on the distance requirement, types of masonry requirements and the fire rating used.

**Public Comment:**

Leila Siqueiros, Texas Masonry Council, supports the increase of the masonry requirements.

Garrett Martin, Milestone Builders, supports the higher masonry standard and has no objection to the 75% standard.

**General discussion followed:**

Mayor Powell stated there are good points from both sides. He suggested sending the item to the P&Z Commission to review and provide a recommendation.

Mayor Pro Tem Fuller commented on the ordinance be amended last year. He is willing to support sending it back to the P&Z.

Councilmember Thomas inquired what the P&Z would be considering and what the intent with sending it back is.

Councilmember Grimes stated safety has been his upfront concern. He would like this item brought to the P&Z for consideration.

Councilmember Lux commented on sending it back to the P&Z.

Mayor Powell suggested having the roofing materials reviewed also.

Councilmember Thomas commented about the one hour rating for fire safety and whether or not this standard is being met.

Councilmember Moore commented this item needs to be sent to the P&Z to work on the specifics and details.

Councilmember Tracy agrees with Councilmember Thomas. Council has a responsibility to set the minimum requirement; however, it is not the responsibility of the City to meet the market standard when it is higher than the minimum.

*Motion to direct the Planning and Zoning Commission to review the single family building material safety requirements in relation to masonry, roofing materials, soffits and fascia and other aspects as they see fit.*

**Movant: Mayor Powell**

**Second: Councilmember Tracy**

**Vote: 7-0**

- F.2 Update On Traffic Signalization In Cedar Park. (Moore)  
Eric Rauschuber, Director of Utilities, provided an overview of the Traffic Signal Program.

Councilmember Moore stated he had requested an update due to the growth in Cedar Park and the volume of traffic.

Mayor Powell stated he has learned a lot over the years regarding traffic signalization.

Mayor Powell stated he has an upcoming meeting and would like to discuss traffic signals in Austin and the impact to Cedar Park's traffic flows.

Sam Roberts, Assistant City Manager, addressed Council regarding a proposed traffic signal to be installed on S. Lakeline and Riviera. This will be synchronized with the light at Shenandoah.

- F.3 Consideration Of Pre-Event And Post-Event Traffic Signalization Timing At The Cedar Park Center. (Mayor Powell)

Mayor Powell noticed the Cedar Park Center parking is highly dependent on 183a southbound to get traffic out. With large events, the congestion needs to be improved. Mayor Powell inquired if the light sequencing after an event can be enhanced to allow for a longer green.

Josh Selleck, Assistant City Manager, stated the Cedar Park Police Department works the traffic at the CPC events. He would like to research the issue and come back to Council with possible options.

- F.4 Update On Fiber Internet Connectivity In Cedar Park.



**Josh Selleck, Assistant City Manager, reviewed fiber connectivity possibilities in Cedar Park. Current internet providers in Cedar Park include AT&T, Time Warner and Grande.**

- F.5 Update On The Capital Area Council Of Governments ("CAPCOG") Economic Development Committee And Executive Committee Meetings Held On May 3rd And May 8th, 2013. (Tracy) Councilmember Tracy provided a brief update on the meetings held.**

- F.6 Consideration Of A Former Mayors And Council Coalition. (Moore) Councilmember Moore stated he had spoken with staff in relation to having a structured format for the proposed coalition.**

**Katherine Woerner, Director of Community Affairs, addressed Council regarding the Coalition. The concept for the Coalition will be a voluntary association of former mayors and councilmembers who want to stay involved with the City. Ms. Woerner reviewed the possible projects the Coalition could assist with.**

**Mayor Powell inquired if dues would be required.**

**Councilmember Moore commented on the pool of talent of former councilmembers.**

**Mayor Powell stated he is very supportive of this concept and commented on the value and service of former councilmembers.**

- F.7 Update On The Workforce Development Summit. (Tracy) Phil Brewer, Economic Development Director, updated Council on the May 14<sup>th</sup> event. Approximately 40 people were in attendance and represented about ½ of the major employers in Cedar Park.**

**Councilmember Tracy reviewed the summit and the information provided at the meeting. The goal of the Workforce Development Summit was to get the business and stake holders in workforce development arena together. Training the future workforce was addressed.**

**Councilmember Tracy provided statistics of the current workforce in Cedar Park. 0% percent of Cedar Park residents leave Cedar Park to go to work. 90% of the people working in Cedar Park commute from outside the City. The Texas Workforce Commission, Chamber of Commerce, Leander ISD and Austin Community College are important factors in providing and training the correct workforce.**

- F.8 Consideration Of Appointments To Places One, Two, Three, Five, And Alternates Two And Four On The Board Of Adjustments.**

***Motion to appoint Scott Rogers to Place One, Audrey Wernecke to Place Two, Kelly Brent to Place Three, John Miri to Place Five, Michael Dion to Alternate Two and Thomas Balestiere to Alternate Four on the Board of Adjustments.***



**Movant: Mayor Powell**  
**Second: Councilmember Thomas**  
**Vote: 7-0**

- F.9 Consideration To Dissolve The 83rd Legislative Subcommittee.  
*Motion to dissolve the 83<sup>rd</sup> Legislative Subcommittee.*

**Movant: Mayor Pro Fuller**  
**Second: Councilmember Tracy**  
**Vote: 7-0**

**Mayor Powell thanked the entire Council and staff for their efforts with bills filed on behalf of the City.**

### **EXECUTIVE SESSION**

*In accordance with Chapter 551, Government Code, Vernon's Texas Code Annotated (V.T.C.A.) (Open Meetings Law), "The City Council may meet in a Closed Executive Meeting pursuant to provisions of the Open Meetings Law, Chapter 551, Government Code, V.T.C.A. in accordance with the authority contained in the following sections":*

**Council convened into Executive Session at 9:41 p.m.**

- G.0 Executive Session
- G.1 Section 551.071 (2) Consultation With Attorney Regarding Matters In Which The Duty Of The Attorney To The Governmental Body Under The Texas Disciplinary Rules Of Professional Conduct Of The State Bar Of Texas Clearly Conflict With This Chapter:
- a. Legal Issues Concerning Proposed Unified Development Agreement Between The City Of Cedar Park And Brohn Homes For Creekside Development.
  - b. Legal Issues Concerning Construction At The Brushy Creek Regional Utility Authority Water Plant.
  - c. Legal Issues Concerning Proposed Legislation Pertaining To Land Use And Development.
- G.2 Section 551.072 Deliberation Concerning The Purchase, Exchange, Lease Or Value Of Real Property
- a. Legal Issues Concerning The Lease Of Rental Space At The City Hall Campus.
- G.3 Section 551.074 Deliberate The Evaluation Of A Public Officer Or Employee.
- a. City Manager.
  - b. City Attorney.

**The Council Reconvenes into General Session.**

**OPEN MEETING**

*Reconvene into Open Meeting and consider action, if any, on items discussed in Executive Session.*

- H.0 Reconvene Into Open Meeting And Consider Action, If Any, On Items Discussed In Executive Session.

**Council convened from Executive Session into Opening Meeting at 10:53 p.m.**

**Mayor Pro Tem Fuller took over chairing the meeting.**

**No action taken on any item discussed in Executive Session.**

- H.1 Mayor And Council Closing Comments.

**Mayor Pro Tem Fuller reminded everyone of the Heroes Night Out event.**

- H.2 Adjournment.

**Mayor Pro Tem Fuller adjourned the meeting at 10:55 p.m.**

**PASSED AND APPROVED THIS 27<sup>TH</sup> DAY OF JUNE, 2013.**



**Matthew Powell, Mayor**

**ATTEST:**



**LeAnn M. Quinn, TRMC  
City Secretary**